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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA  
9 WESTERN DIVISION  
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11 JONATHAN R. KINSEY, ) No. SA CV 11-00653-RGK (VBK)  
12 )  
13 Petitioner, ) ORDER ACCEPTING FINDINGS AND  
14 ) RECOMMENDATIONS OF UNITED STATES  
15 v. ) MAGISTRATE JUDGE  
16 )  
17 G. D. LEWIS, )  
18 )  
19 Respondent. )  
20 \_\_\_\_\_ )  
21 )

22 Pursuant to 28 U.S.C. §636, the Court has reviewed the Petition  
23 for Writ of Habeas Corpus ("Petition"), the records and files herein,  
24 and the Amended Report and Recommendation of the United States  
25 Magistrate Judge ("Amended Report").  
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1       **IT IS ORDERED** that: (1) the Court accepts the findings and  
 2 recommendations of the Magistrate Judge, (2) Ground One is dismissed  
 3 with prejudice; (3) Ground Four is dismissed without prejudice; and  
 4 (4) the Court declines to issue a Certificate of Appealability  
 5 ("COA").<sup>1</sup>

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 7 DATED: July 1, 2014




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8 R. GARY KLAUSNER  
 9 UNITED STATES DISTRICT JUDGE

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 21 <sup>1</sup> Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the  
 22 applicant has made a substantial showing of the denial of a  
 23 constitutional right." The Supreme Court has held that, to obtain a  
 24 Certificate of Appealability under §2253(c), a habeas petitioner must  
 25 show that "reasonable jurists could debate whether (or, for that  
 26 matter, agree that) the petition should have been resolved in a  
 27 different manner or that the issues presented were 'adequate to  
 28 deserve encouragement to proceed further'." Slack v. McDaniel, 529  
 U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks  
 omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.  
 1029 (2003). After review of Petitioner's contentions herein, this  
 Court concludes that Petitioner has not made a substantial showing of  
 the denial of a constitutional right, as is required to support the  
 issuance of a COA.